

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

MARTIN J. WALSH,
*Secretary of Labor, United States
Department of Labor*

Plaintiff,

v.

MICROGEM US INC., *et al.*,

Defendants.

CASE NO. 3:22-cv-00069

FINAL ORDER & JUDGMENT

JUDGE NORMAN K. MOON

This matter is before the Court on its Show Cause Order. Dkt. 15.

On February 6, 2023, the Court entered its Show Cause Order, which stated that “neither the Plaintiff Secretary of the Department of Labor (nor any Defendant) timely responded to this Court’s order directing the parties to meet and confer and file a status report. Dkt. 13. The Court therefore finds it appropriate to **DIRECT** Plaintiff’s counsel to **SHOW CAUSE**, within **seven (7) days**, as to why this case should not be dismissed for failure to prosecute.” Dkt. 15. Therein, the Court further warned that “Plaintiff’s counsel is **cautioned** that failure to timely respond to this Show Cause Order **will result in dismissal of this action for failure to prosecute.**” *Id.* That deadline has also passed. Plaintiff still has not responded to the Court’s prior order directing the filing of status reports, nor has it timely responded to the Court’s Show Cause Order.

Upon consideration of the relevant standard pursuant to Fourth Circuit precedent and Rule 41(b) of the Federal Rules of Civil Procedure, and it appearing to the Court that Plaintiff has discontinued participating in and prosecuted this action, and has failed to comply with multiple orders of this Court including this Court’s Show Cause Order, considering that such delays would have prejudiced Defendants and that no lesser sanctions would appear to ensure

prosecution of this action, the Court **DISMISSES** this action. *See* Fed. R. Civ. P. 41(b); *Hillig v. Comm'r*, 916 F.2d 171, 174 (4th Cir. 1991). The Court will dismiss the action *without prejudice*, due to absence of information on any allocation of responsibility. *See id.* The Clerk of the Court is further directed to **strike** this case from the Court's active docket and to terminate any outstanding motions.

It is so **ORDERED**.

The Clerk of Court is directed to send this Final Order & Judgment to the parties.

Entered this 15th day of February, 2023.



NORMAN K. MOON
SENIOR UNITED STATES DISTRICT JUDGE